

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**
(Greenbelt Division)

In re:	:	
	:	
JOHN E. HOUCHEN and	:	Case No. 08-1-8074-WL
EMILY S. HOUCHEN,	:	Chapter 13
Debtors.	:	
	:	

**TRUSTEE'S MOTION TO DISMISS THE CASE
UNLESS THE DEBTORS MODIFY THE PLAN**

Timothy P. Branigan, Chapter 13 trustee in the above-captioned case ("Trustee"), pursuant to section 1307(c) of the Bankruptcy Code and Bankruptcy Rule 1017(f), requests the Court to dismiss the case if the Debtors do not modify the plan to cure an underfunding.

The plan provides that joint unsecured creditors shall be paid in full through the plan. Joint unsecured creditors have filed proofs of claims in the aggregate amount of \$62,867.20. As a result, the plan is underfunded. If the Debtors do not modify the plan to cure the underfunding, cause will exist to dismiss the case as the result of an unreasonable delay that is prejudicial to creditors.

WHEREFORE, the Trustee prays that the Court dismiss the case if the Debtors fail to modify the plan.

Respectfully submitted,

February 2, 2009

/s/ Timothy P. Branigan
Timothy P. Branigan (Fed. Bar No. 06295)
Chapter 13 Trustee
P.O. Box 1902
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(301) 483-9118
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PLEASE TAKE NOTICE that a response must be filed to this notice within 20 days from the date of service below. If a response is not filed, the case may be dismissed. The Court may hold a hearing, or not, within its discretion.

Certificate of Service

I hereby certify that, to the extent that the following persons were not served electronically via the CM/ECF system, I caused a copy of the foregoing to be sent on February 2, 2009 by first-class U.S. mail, postage prepaid to:

John E. Houchen
Emily S. Houchen
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Lanham, MD 20706

/s/ Timothy P. Branigan

Timothy P. Branigan (Fed. Bar No. 06295)